

Message Text

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42

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DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 H-02 INR-07

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C O N F I D E N T I A L GENEVA 2586

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TAGS: PLOS

SUBJ: BDG POSITION ON BASELINES

1. BDG ORIGINALLY TABLED TEXT IN CARACAS TO MEET
PROBLEMS AS PERCEIVED FOR THE GANGES DELTA AREA. THIS
TEXT INCLUDED IN MAINTRENDS PAPER OF COMMITTEE II
AS PROVISION 9:

"IN LOCALITIES WHERE NO STABLE LOW-WATER LINE
EXISTS ALONG THE COAST DUE TO CONTINUAL PROCESS OF
ALLUVION AND SEDIMENTATION AND WHERE THE SEAS ADJACENT
TO THE COAST ARE SO SHALLOW AS TO BE NON-NAVIGABLE BY
OTHER THAN SMALL BOATS AND PERTAIN TO THE CHARACTER OF
INLAND WATERS, BASELINES SHALL BE DRAWN LINKING APPRO-
PRIATE POINTS ON THE SEA ADJACENT TO THE COAST NOT
EXCEEDING 10 FATHOM LINE."

2. HOWEVER, IN EXPLANATORY INTERVENTION IN SMALL
INTEREST GROUP CONSIDERING BASELINES, REPRESENTATIVE
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OF BANGLADESH PROPOSED ANOTHER FORMULA WHICH TRACKED
MORE CLOSELY THE LANGUAGE OF THE EXISTING GENEVA CON-

VENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE. IN WORKING PAPER PRESENTED TO SMALLER DRAFTING GROUP, NEW BDG PROVISION INCLUDED AS OPTION B ALONG WITH A MODIFICATION OF GENERAL LANGUAGE OF THE CONVENTION, PROPOSED BY ANOTHER MEMBER OF THE DRAFTING GROUP, AS OPTION A. OPTION A COULD MEET BANGLADESH PROBLEM WHILE CONFORMING WITH INTENT OF EXISTING INTERNATIONAL LAW AND STATE PRACTICE. THESE OPTIONS ARE AS FOLLOWS (EXISTING CONVENTION LANGUAGE IS IN QUOTES):

OPTION A: "IN LOCALITIES WHERE THE COASTLINE IS DEEPLY INDENTED AND CUT INTO, OR IF THERE IS A FRINGE OF ISLANDS ALONG THE COAST IN ITS IMMEDIATE VICINITY, THE METHOD OF STRAIGHT BASELINES JOINING APPROPRIATE POINTS MAY BE EMPLOYED IN DRAWING THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED." WHERE BECAUSE OF THE PRESENCE OF A DELT OR OTHER NATURAL CONDITIONS THE COASTLINE IS HIGHLY UNSTABLE, THE APPROPRIATE POINTS MAY BE SELECTED ALONG THE FURTHEST SEAWARD EXTENT OF THE LOW-WATER LINE AND, NOTWITHSTANDING SUBSEQUENT REGRESSION OF THE LOW-WATER LINE, SUCH BASELINES SHALL REMAIN EFFECTIVE UNTIL CHANGED BY THE COASTAL STATE IN ACCORDANCE WITH THIS CONVENTION. A COASTAL STATE MAY EMPLOY THE METHOD OF MIXED BASELINES, I.E., DRAWING THE BASELINE IN TURN BY THE METHODS PROVIDED FOR IN ARTICLE ... AND THIS ARTICLE TO SUIT DIFFERENT CONDITIONS.

OPTION B: "IN LOCALITIES WHERE THE COASTLINE IS DEEPLY INDENTED AND CUT INTO OR IF THERE IS A FRINGE OF ISLANDS ALONG THE COAST IN ITS IMMEDIATE VICINTIY" OR IF THE WATER ADJACENT TO THE COAST IS MARKED BY CONTINUAL PROCESS OF ALLUVION AND SEDIMENTATION CREATING A HIGHLY UNSTABLE LOW-WATER LINE "THE METHOD OF STRAIGHT BASELINES JOINING APPROPRIATE POINTS" ON THE COASTS OR ON THE COASTAL WATERS MAY BE EMPLOYED IN DRAWING THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED.

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3. IN SUBSEQUENT DISCUSSION OF INFORMAL WORKING PAPER IN GROUP INTERESTED IN BASELINES, ONLY BANGLADESH SPOKE IN FAVOR OF OPTION B. AS A RESULT, THE CHAIRMAN OF COMMITTEE II, ACTING AS CHAIRMAN OF GROUP, STATED THAT A CONSENSUS HAD BEEN REACHED ON OPTION A.

4. WORKING PAPER, NOW A PRODUCT OF BUREAU OF COMMITTEE II AND SUBSEQUENT REVISIONS, IF ANY, WILL HAVE TO OCCUR IN FULL COMMITTEE II.

5. DELOFFS EXPLAINED, AS DID OTHER EXPERTS ATTACHED
TO OTHER DELEGATIONS, THAT BDG PRINCIPLE WOULD PROBABLY
NOT HELP BDG IN NEGOTIATIONS FOR MEASURING CONTINENTAL
SHELF AND ECONOMIC ZONE BOUNDARY WITH INDIA AS SAME
OPTION WOULD BE OPEN TO INDIA, THUS NEGATING ANY
ADVANTAGE WHICH COULD ACCRUE TO BANGLADESH.
DALE

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